REMARKS

The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Claims 1-3, 5-7, 10-11, 13-38 are pending in this case. Claims 13-22 are objected to. Claims 17-30 have been rejected under 35 U.S.C. § 112, first paragraph. Claims 1-3, 5-7, 10-11, 31-38 have been allowed. Independent claims 13, 17, 23 have been amended.

Telephonic Interview

Applicant wishes to thank the Examiner for granting a telephonic interview on September 3, 2008. The interview participants included Examiner Jean B. Corrielus and Howard Zaretsky (Applicant's representative).

Response to Claim Objections

The Examiner has objected to claims 13-22 due to several formalities. Applicant has amended claims 13 and 17 in accordance with the suggestions of the Examiner.

Regarding claim 17, support for "means for generating a plurality of symbols of known shift rotation" and "means for inserting predetermined time delays" can be found in the block diagram of the transmitter 10 as shown in Figure 1 and in the specification in paragraphs [0042] through [0047]. In particular, the synchronization sequence is generated by the sync sequence generator block 16. It is this block which determines what the symbols should be (e.g., symbols

of zero shift rotation or otherwise) and what time delays should be inserted between them and passes this information to the encoder 14. Sets of time delays, each set corresponding to a synchronization sequence, are typically determined a priori, stored in sync symbol gap ROM 18 and selected in accordance with the SEQ signal. The encoder 14 either (1) generates the shift index (for data) or (2) uses the indices and time delays provided by the sync sequence generator 16. In the case of synchronization sequences, the shift index and time delays are applied to the spreading waveform via block 20.

In addition, the phrase "wherein said time delays are associated with a synchronization sequence selected to be orthogonal to those of the other synchronization sequences" has been amended to "wherein said synchronization sequence selected to be orthogonal to other synchronization sequences" as supported by the specification in paragraph [0049]. Therefore, Applicant respectfully traverses the claim objections and request favorable reconsideration.

Response to 35 U.S.C. § 112, First Rejections

The Examiner rejected claims 17-30 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner has indicated that the claims contain subject matter which was not described in the specification in such as way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

Claim 17 now recites "wherein said synchronization sequence selected to be substantially orthogonal to other synchronization sequences" in conformance with the teaching in paragraph [0049] of the specification. Similarly, claim 23 now recites "wherein said synchronization sequence selected to be substantially orthogonal to other synchronization sequences."

The Examiner also rejected claims 17-22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner has indicated that the claims contain subject matter which was not described in the specification in such as way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 17 now recites "a transmitter adapted to modulate, in accordance with a control signal, either a synchronization sequence or data to be transmitted in accordance with a modulation scheme so as to generate said transmit signal therefrom." The language of claim 17 is now consistent with the specification paragraphs [0045] to [0046] that teach that the encoder is adapted to process either the data from the host or a synchronization sequence in accordance with the sync/data control signal output by the controller.

In light of the amendments to claim 17, the Examiner is respectfully requested to withdraw the § 112, first paragraph rejection.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that independent claims 1, 10, 13, 17, 23, 31 and hence dependent claims 2-3, 5-7, 11, 14-16, 18-22, 24-30, 32-38 are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

In light of the Amendments and the arguments set forth above, Applicant earnestly believes that they are entitled to a letters patent, and respectively solicit the Examiner to expedite prosecution of this patent applications to issuance. Should the Examiner have any questions, the

Examiner is encouraged to telephone the undersigned.

Customer Number: 25937   Respectfully submitted,

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